

MINUTES  
BOARD OF ADJUSTMENT  
July 6, 2006

THOSE IN ATTENDANCE

Gary Soule, Chairman	Jason Jaggi, Planner
Mel Disney	Kevin O'Keefe, City Attorney
Victor Cohen	
Rick Bliss	
Anne Martin	

Chairman Soule called the meeting to order at 5:00 p.m. He introduced himself and asked each member to do the same.

MINUTES

The minutes of the meeting of May 4, 2006 were presented for approval. The minutes were approved, after having been previously distributed to each member.

Chairman Soule welcomed everyone to the meeting. He stated that the members of this Board are appointed by the Mayor and approved by the City's Board of Aldermen and serve without monetary compensation. He indicated that a full compliment of the Board consists of 5 members and that four members must vote in favor of a variance in order for the requested variance to be granted. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record. He reminded everyone that all testimony is tape-recorded and the minutes produced from this recording. He then asked that all individuals wishing to speak to please speak clearly. He stated that generally, the City will present its exhibits first, after which the applicant will make their presentation, then questions/comments from the Board members will ensue after which audience comments will be solicited and finally, a vote will take place.

The first item on the agenda for this evening is:

AN APPEAL FROM STEVEN & SUSAN LIPSTEIN FOR THE PROPERTY AT 10 CARRSWOLD DRIVE

At the request of the Chairman, all individuals who wished to speak with regard to the application were sworn-in by the Recording Secretary.

Jason Jaggi presented a brief PowerPoint presentation depicting the following slides: site map of the area and the subject property, aerial photograph of the property, photograph of the front of the property, miscellaneous site photographs and a summary detailing the R-1 Zoning designation

and the setbacks for the property (50.63' required rear yard and 22.66' required side yard). Jason indicated that the following variances are being requested: a 39.55' variance from the required rear yard setback and a 9' variance from the required side yard setback. He stated these variances are being requested to accommodate an addition.

City Attorney O'Keefe presented the following exhibits on behalf of the City: : Exhibit A) City of Clayton Zoning Ordinance, specifically Sections 2.3 and 14.8.2 & 14.8.3; B) Comprehensive Plan; C) Application for Appeal and supporting documents; D) Staff Report.

Mr. John Mueller, project architect, was in attendance. Also in attendance were the owners, Steve & Susan Lipstein.

Mr. Mueller asked the Lipsteins to address the Board and indicate why these variances are being requested.

Ms. Lipstein stated that she has Multiple Sclerosis, a progressive & degenerative condition which impacts her mobility. She stated that she cools off by using their pool and staying indoors in the air conditioning. She stated that for distances, she needs to use her wheelchair, but that in the future, she will need to use a wheelchair constantly.

Mr. Lipstein indicated that all their bedrooms are on the 2<sup>nd</sup> floor. He stated that the house, which is on the national register for historic structures, has a historic façade and landscaping and that they have huge trees on their property. He stated that they planned for a simple 1<sup>st</sup> floor bedroom addition. He stated they want to preserve their home's history, beauty and value, but that an accessible addition is necessary. He indicated that their current garage has become a problem. He stated that a mobility pool and therapy room is also part of the proposal. He stated they love their home and want to be able to continue to reside in it.

The applicant presented a site plan of the Carrswold Subdivision and four photographs of the property. (Marked as applicant's Exhibits A & B).

Chairman Soule asked if the photos were included in the booklet, which was distributed to the members and included in the packet material.

Mr. Mueller replied "yes".

Marked as Applicant's Exhibit C and presented at this time was a colored site plan showing the existing conditions of the site. Mr. Mueller indicated that there is a severe slope on the east side of the property. He indicated the location of the kitchen, breakfast room, rear entry area and a bathroom, stating that these are all core rooms which are used day to day. He stated the remaining first floor rooms are used primarily for entertaining. He stated the addition has been located around these core rooms.

Marked as Applicant's Exhibit D and presented at this time was a colored proposed site plan. Mr. Mueller indicated that the addition will go no further toward the north than the existing

garage. Marked as Applicant's Exhibit E and presented at this time was a floor plan for the addition. He indicated that addition was designed around Susan's accessible needs as well as in an attempt to be sympathetic to the historic nature of the home.

Mr. Mueller stated that the following are the hardships: 1) Not changing the nature of the home. He stated if the required setbacks were met, the addition would have to be constructed across the entire rear of the house, disturbing the historic value of the home; 2) Landscape. He stated that at least two of the beautiful old trees would have to be removed if the addition were constructed within the required setbacks; 3) Need for accessibility. He stated the second floor of the home is not accessible to Susan and that the addition needs to be located adjacent to the core rooms; 4) House. He stated the house is pushed back on the site thereby narrowing the buildable area at the rear. He stated that the addition, if the required setbacks were met, would result in long, narrow rooms; 5) East side of the site. He stated that the east side of the site slopes down, thereby requiring a tremendous amount of fill if the addition were on this portion of the site. He stated the landscape would also be tremendously altered. Mr. Mueller advised the members that the owners have spoken with the west and east neighbors who have reviewed the plans and supports the proposal without exception. Mr. Mueller reiterated that the addition will encroach no further north than what exists there now (garage). He stated the flat roof portion will open up the area and improve sunlight and open space for the neighbors to the north. He stated that the wall will hide the garage storage area from the neighbors to the north.

Anne Martin asked the height different between the existing garage and the new construction.

Mr. Mueller replied the addition is 3 feet taller than the existing garage.

Anne Martin questioned if this height different won't effect the neighbors on Northmoor.

Mr. Mueller replied "no". He stated this is a better condition for the north neighbors as it is set back by 14 feet.

Anne Martin asked if there is a letter from the Northmoor neighbors.

Mr. Mueller indicated that there is a signed plan in the packet.

Anne Martin asked the square footage of the existing house.

Mr. Mueller replied 6,169 square feet.

Anne Martin asked the square footage of the addition.

Mr. Mueller replied 2,700 square feet.

Anne Martin stated that although she realizes that design is not this Board's domain, she believes the flat roof is different.

Mr. Mueller indicated that if the entire roof of the addition were pitched, it would be too high. He stated that the pool and therapy room are under the flat roof.

Gary Soule asked if part of the decision for the flat roof was to provide more light to the north neighbors.

Mr. Mueller replied “yes”.

Mel Disney commented that the grade rises to the north. He asked the elevation of the addition.

Mr. Mueller stated that the grade is 8-feet higher at the garage than the house. Mr. Mueller provided a brief description of the grades of the site relative to the site plan. He stated that the purpose of the “notch” that was provided for the addition is to save a tree.

Mel Disney asked if there is a utility easement along the north property line.

Mr. Mueller stated he did not believe so.

Jason Jaggi indicated that the survey does not depict any easements on the property.

Mel Disney asked if the slope of the roof for the garage provides ample head room.

Mr. Mueller replied “Yes”. He stated the roof slope for the addition is the same degree as that of the house.

Mel Disney asked if the attic space could be converted to living space and if so, would it need Planning & Zoning approval.

Jason Jaggi indicated that if it were converted to living space, Plan Commission approval would not be required as the addition is connected to the house and therefore, becomes part of the primary structure and not considered a “second” unit. He stated only a building permit would be required to alter the space.

Rick Bliss asked if a side yard variance would be needed if the 3-car garage were only a 2-car garage.

Mr. Mueller indicated that it would be close and probably sit directly on the side building line. He stated that the alternative to not needing a side yard setback variance would be to push the addition further south. He stated that his plan places the addition further away from Carrswold. He stated that the plan also includes planting new landscape by the driveway and west property line.

Rick Bliss indicated that he is not overly concerned with the rear yard setback variance request but rather the side yard setback variance.

Mr. Lipstein stated that he spoke with Mark Zorensky (owner of 11 Carrswold) who supports the proposal.

Ms. Linda Goldstein, Ward II Alderman, expressed her personal (not political) support of the proposal. She stated that she believes the most compelling argument is the needs of the family. She stated that she is impressed that they attempted to respect the values of the neighborhood, greenspace and architecture. She stated she is also impressed that they approached the neighbors. She stated that she understands the significance of the variances being requested, but believes this is a positive situation and would hate to see them have to sell their house.

Chairman Soule asked when the Lipsteins purchased the home.

Mr. Lipstein replied they bought it July of 2000.

Chairman Soule asked how many drivers and vehicles are in the family.

Mr. Lipstein indicated there are 5 drivers and 4 vehicles.

Chairman Soule indicated that the extreme hardship or practical difficulty being offered for this case is the shape and topography of the lot. He asked Jason if staff believes the criteria has been met.

Jason Jaggi replied “yes”.

Chairman Soule asked Jason if, in staff’s opinion, the addition were built as proposed, would have a detrimental impact on the value of the subject property or adjacent properties.

Jason Jaggi replied “no”; he did not believe so.

Chairman Soule asked if the applicant has demonstrated that the design will not have a negative impact.

Jason Jaggi indicated that he believes the design was carefully considered.

Kevin O’Keefe asked that the members keep in mind the criteria the Chairman referred to and that the topography, particularly on the east and south sides, drive the improvements to the north and west, as the hardship and not the personal desires of the owners. He stated that the design is in keeping with ADA requirements. He stated that a 3-car garage is more practical than a 2-car garage.

Mr. Mueller agreed with the City Attorney’s comments.

Chairman Soule called for a motion to approve a variance to Section 2.3 of the Zoning Ordinance to allow construction not in conformity with the regulations established for the district in which the property is located. The motion carried unanimously.

Chairman Soule called for a motion to approve a variance to Section 14.8.2 of the Zoning Ordinance to allow the proposed addition to encroach 39.55 feet into the required 50.63 foot rear yard setback. The following vote was taken: Ayes: Chairman Soule, Mel Disney, Victor Cohen and Rick Bliss. Nays: Anne Martin.

Chairman Soule called for a motion to approve a variance to Section 14.8.3 of the Zoning Ordinance to allow the proposed addition to encroach 9 feet into the required 22.66 foot side yard setback. The motion carried unanimously.

Chairman Soule advised the applicants that their variances were approved. He thanked them for their outstanding presentation.

Kevin O'Keefe asked Mr. Mueller for a file size version of their Exhibits.

Mr. Mueller indicated he would provide that information to staff tomorrow.

The second item on the agenda this evening is:

AN APPEAL FROM SAM CHIMENTO, CORNERSTONE INVESTMENT, FOR THE PROPERTY AT 6615 & 6619 ALAMO AVENUE

At the request of the Chairman, all individuals who wished to speak with regard to the application were sworn-in by the Recording Secretary.

City Attorney O'Keefe presented the following exhibits on behalf of the City: : Exhibit A) City of Clayton Zoning Ordinance, specifically Sections 2.3 and 18.9.3 and the City's Comprehensive Plan; B) Application for Zoning Review submitted by applicant; C) Denial Letter prepared by City staff; D) Application for Appeal; E) Site Plan and supporting documents; F) Staff Report.

Tyler Stephens, project architect, and Sam Chimento, owner/developer, were in attendance at the meeting.

Jason Jaggi presented a brief PowerPoint presentation depicting the following slides: photograph of the two existing 4-family apartment buildings current on the subject parcels, locator map of the north side of Alamo (west of CBC), aerial photograph of the property, site photographs of the properties also depicting the alley, rear yard photographs of the properties and a summary detailing the R-5 Zoning designation and the side setback requirement for these properties (10.5'). He indicated that the applicant is requesting a 7.5 foot variance from 10.5 foot setback requirement along the east property line. He stated this variance is being requested to accommodate a new 8-unit condominium building. He noted that the two lots (6615 & 6619) would be consolidated to support this project.

Kevin O'Keefe asked that the City's PowerPoint presentation be entered into the record as Exhibit G.

Chairman Soule thanked Jason for providing an overview via the PowerPoint presentation.

Mr. Stephens introduced himself as the architect for this project. He, too, had a PowerPoint presentation for the members. The first slide was an aerial photograph of the area. He stated that once these lots are combined (consolidated), the Zoning Ordinance would permit the construction of a 9-unit condominium structure on the consolidated lot. He indicated the initially, they were proposing a 9-unit condominium, but that scenario would have required too many variances, so they decided to reduce the number of units to 8, which is also more in keeping with the neighborhood. He stated the lot is tight and rectangular in shape and that there is a dramatic fall of the lot from the front along Alamo to the rear alley (fall of approx. 9 feet). He stated that these situations resulted in a change in the parking configuration. He indicated that the Zoning Ordinance requires 2 parking spaces per unit for multi-family dwellings. He stated that the proposal meets the front yard setback requirement of 25-feet (prevailing front setback) and the rear setback of 30-feet. He stated if the side yard setbacks were met, there would be no access to the parking garage. He stated that the setback being provided on the west side is greater than what is required. Mr. Stephens noted that the new building is almost in line with the current building located on the corner. A slide depicting a graph of the existing buildings' placements on the block was presented.

Kevin O'Keefe asked Mr. Stephens to provide a file sized copy of his PowerPoint presentation.

Mr. Stephens agreed.

Mr. Stephens indicated that the proposed project provides 2-story townhouse units. He announced that the allowable height for this Zoning District is 3 ½ stories or 45 feet, and the proposed building is 3 stories. A slide depicting the proposed building elevations was presented. He stated the property falls 5 to 6 feet to the front. He stated the site falls in two directions. A slide showing the setbacks was presented. He indicated that the subject site is higher than the neighboring property. He indicated that the setbacks for corner lots are different than those of typical, interior lots. He stated that the building, if accessed from the east, would have to be raised quite a bit, thereby exposing the garage and placing the first floor of the units near the same level as the second floor of adjacent buildings, which would be within the allowable height per the Zoning Ordinance, but is not in keeping with the neighborhood.

Anne Martin asked if the reason for the proposed placement of the building is topography.

Mr. Stephens replied "yes". He indicated that the first floor would be about 10-feet above grade if the building were placed so that it could be accessed from the east.

Anne Martin commented that the other buildings in the immediate area have on-street garages.

Mr. Stephens commented that they are detached garages, which can be placed closer to the property lines.

Anne Martin asked if there are any existing buildings in the area that are this large.

Mr. Stephens replied “no”.

Anne Martin asked the square footage of the building (proposed).

Mr. Chimento indicated the building will be approximately 13,000 square feet.

Anne Martin asked the square footage of the existing building.

Sam Chimento indicated about 9,500 square feet.

Anne Martin asked the depth of the building (proposed).

Mr. Stephens indicated it is just under two times the existing building.

Anne Martin commented that she calculates the depth at about 72 feet. She asked if that is correct.

Mr. Stephens replied “yes”.

Chairman Soule commented that the garage, since it is attached, is included in the dimensions.

Mr. Stephens agreed. He stated that other new condominium buildings in the City follow the same model, although not in the immediate area. He stated that providing underground parking provides more greenspace at the rear of the property. He reminded the members that they have a double front yard situation and plan to heavily landscape the north alley.

Mel Disney asked the typical width of a parking stall.

Jason Jaggi replied 9 feet.

Mel Disney asked how wide the stalls are in the proposed parking garage.

Mr. Stephens indicated that two stalls are 22 feet wide to allow for separating walls.

Chairman Soule asked if the parking is side-by-side.

Mr. Stephens replied “yes”. He indicated that if tandem parking were proposed, a variance would have to be requested for that as well.

Mel Disney referred to the recently adopted Urban Design District (UDD) on Clayton Road. He noted that the subject property is one block to the north.



Jason Jaggi advised the members that the Clayton Road UDD encompasses only the properties that front Clayton Road from Big Bend Boulevard to the east city limits.

Mel Disney asked how the rear units would be addressed.

Mr. Stephens indicated although he is not sure, when he lived in a rear unit, his address was the unit number followed by "Rear".

Mel Disney asked if the driveway could be relocated to the east side (versus the west).

Mr. Stephens indicated the building would still have to be raised out of the ground excessively.

Mel Disney suggested access from the north alley.

Mr. Stephens stated that a side setback variance would still need to be requested, just on the west side versus the east side.

Mel Disney asked the height of the building.

Mr. Stephens indicated the building is 33.5', which is 12.5 feet below the maximum allowable height. He stated the proposed height is more in keeping with the neighborhood.

A brief discussion regarding access took place.

Rick Bliss asked what would be the result if the number of units were reduced to 7.

Mr. Stephens indicated that 7 units could work, but they have already reduced the number from 9 to 8. He stated the project would not be economically feasible if the number of units went below 8.

Mel Disney asked if there are utility easements on the property.

Mr. Stephens stated he is aware that there is a utility pole on the property, but does not believe it is in an easement.

Mel Disney asked where the two existing apartments receive their electricity from.

Mr. Stephens indicated their electric comes from the north (rear) alley.

Jason Jaggi commented that the pole is most likely in city right-of-way.

Chairman Soule asked the price the units will be listed for.

Mr. Chimento indicated in the \$400,000 range. He stated the interior units will also have a 3<sup>rd</sup> floor which will add to the square footage.

Chairman Soule asked how many bedrooms the units will have.

Mr. Chimento indicated between 2 and 3 bedrooms (middle units will have 3 bedrooms). He indicated that if the building were constructed 3 ½ stories and 45 feet tall, as approved by the Zoning Ordinance, the building would be approximately 24,100 square feet. As proposed, the building will only be approximately 18,000 square feet.

Anne Martin asked if there are any other 8 unit condominium buildings on Alamo.

Jason Jaggi advised the members that the typical buildings on Alamo are 4-unit apartments. He stated that some corner lots in the neighborhood have condominium buildings on them.

Mr. Stephens added that there are some 8-unit buildings on San Bonita and St. Rita.

Anne Martin asked Mr. Stephens to elaborate on the hardship.

Mr. Stephens indicated that the topography falls 9 feet and if the grade is matched at the alley and the building stays within the required setbacks, the building will have to be raised by 9 feet.

Mr. Chimento commented that the building, as proposed, is 2 ½ stories in height so as to try and keep it within the character of the neighborhood. He stated as proposed, the FAR (Floor Area Ratio) is at 1.0. Mr. Chimento then explained what FAR means to those in attendance not familiar with the term. He indicated that a typical mid-rise building's FAR is 1.45 to 1.75 (for example the condominium buildings on Tipton/Brighton and his new condominium building on Forest Court).

Anne Martin asked what the rental rates are for the current apartment buildings.

Mr. Chimento indicated although he is not positive, he believes the apartments rent for \$425/month. He stated he is under contract to purchase this property and will close within 30 days.

Mr. William Peppes, Clayton property owner addressed the Board. He stated that his family owns 9 buildings in the area, but is here Representing 905 St. Rita. He indicated his support of Mr. Chimento's proposal. He stated that taxes and vacancies have increased and is happy that Mr. Chimento is willing to invest in Clayton. He stated he likes the plan and that it will help revitalize the area. He reiterated his support of the proposal.

Mr. Tom Lee, Clayton property owner addressed the Board. He stated he owns 8 buildings in the area and is also a Clayton resident. He stated he, too, supports the proposal.

Kevin O'Keefe reminded the Board that this is a quasi-judicial process and that only factual evidence should be presented and received. He reminded the Board that this meeting is only to make a determination on whether a variance should be granted or not and therefore, the only

beneficial testimony regards the merits of the application as measured by the criteria for which a variance can be granted.

Chairman Soule elaborated that this Board has limited authority and only specific jurisdiction. He reiterated that the applicant must demonstrate hardship or practical difficulty due to the shape, topography or other natural situation of the lot for a variance to be granted. He asked that comments be restricted accordingly.

Mr. Herman Smith, owner/resident of 6633 San Bonita and Trustee off H-Pointe, asked if citizens are allowed to make PowerPoint presentations at these meetings.

Kevin O'Keefe indicated that there are no restrictions on how testimony is presented.

Mr. Smith advised the Board that we (Hi-Pointe/DeMun) are also on the National Registry for Historic Places. He indicated that of 125 units, only 5 are not included in the Registry (or 4%). (Mr. Smith had documentation of such).

Chairman Soule asked that a copy be provided to staff.

Kevin O'Keefe indicated that the information will be marked as an Exhibit.

Mr. Smith stated that currently, there are 15 feet between buildings. He stated the area was platted in 1922 and built from 1924 forward. He stated that Alamo and St. Rita were added in the 1930's. He then referred to the June 29, 2006 edition of USA Today, Page 3A. He discussed the number of proposals Mr. Chimento has submitted.

Kevin O'Keefe advised Mr. Smith that his testimony is irrelevant.

Mr. Smith stated that the previous applicant went to great lengths to stress the fact that their home is listed on the National Registry of Historic Places. He stated that employees of the St. Louis Bread Company use this area to park their vehicles.

Chairman Soule reminded Mr. Smith that the only purpose of this meeting is to consider the variance request; nothing else is relevant.

Ms. Mary Burrows, also of 6633 San Bonita stated that currently, there is no parking accessed from the street and that this design changes the character of the neighborhood. She stated that she believes the variance is necessary due to the size of the building and that if the building were reduced in size, no variance would be needed. She stated that others access their parking from the alley. She stated that these 2 to 3 bedroom units will be replacing 1 bedroom units. She asked about the location of trash pick up.

Jason Jaggi informed Ms. Burrows that aspects such as the trash area/location are considered during the site plan review portion of the project; not at this level.

Ms. Burrows commented that as far as she is aware there are no other “rear” addresses and that typically, units are addressed N, S, E, W...for example. She stated she is not anti-development, but...

Chairman Soule advised Ms. Burrows that these comments are not part of this Board’s jurisdiction.

Kevin O’Keefe indicated that he had to excuse himself from this meeting. He asked if there were any questions for him before he left. He reiterated that this is not a policy making Board and that only the variance is being requested at this time.

Note: 7:09 p.m. – Kevin O’Keefe excused himself and left the meeting.

Mr. Paul Bridgman, 6310 Alamo, indicated his opposition to the variance request. He stated he does not believe it is needed and that the building should be smaller so that a variance is not necessary.

Mr. Steven Koehler, 6419 Clayton Road, stated he is concerned that this is a self-imposed issue here and that the design should be modified so the variance is not necessary.

Ms. Jan Anglin, 6360 San Bonita, indicated her concern with the size of the building. She stated she understands the importance of having 2 parking spaces per unit. She stated that the garages were purposely located against the alley so as to provide more yard space and as part of the historic plan. She commented that the structures in the area sell very well with the detached garages. She indicated that Mr. Stephens’ reference to Hi-Pointe as “art deco” is incorrect.

Mr. Dan Schlafly, 107 Aberdeen, indicated his appreciation of the legal focus of the issue and that the petitioner must demonstrate hardship. He stated the building is too large and does not believe that falls under the definition of hardship as defined by law.

Ms. Mimi Dean, 6610 Alamo, asked that the Board keep in mind that the size of this building is not in keeping with the neighborhood and that this would be the only property that would have street access.

Rick Bliss asked if a new curb-cut off Alamo is being requested as part of the project.

Mr. Stephens replied “no”; the driveway comes off the north alley.

Chairman Soule asked for clarification that there would be no access to this property off Alamo.

Mr. Stephens indicated that is correct.

Ms. Burrows asked then why, if the entrance is off the back (north) alley, when not enter off the back (north) alley. (Note the driveway is off the north alley).

Mr. Stephens indicated that direct access to the parking cannot be from the alley because they could not provide 16 spaces. He stated he would lose 2 spaces thereby having to reduce the building by one unit (from 8 to 7).

Chairman Soule asked staff to clarify the hardship as defined by the applicant.

Jason Jaggi advised Chairman Soule that the hardship, as defined by the applicant, is the topography of the site by way of a severe slope.

Chairman Soule asked staff if the request negatively impacts the neighboring property.

Jason Jaggi replied “no”.

Anne Martin commented that the buildings to the west are on the same grade.

Jason Jaggi stated that the elevation slopes down as one continues west along Alamo.

Anne Martin commented if that is the case, then the topography is not unique to these two lots.

Chairman Soule agreed, but stated it is a feature of these two lots.

Jason Jaggi agreed.

Anne Martin indicated that she is trying to find the hardship for this case. She asked if these two buildings are currently inhabited.

Jason Jaggi indicated that the two buildings are currently occupied.

Chairman Soule advised the applicants that he was now going to call for a vote. He asked Mr. Chimento if he wanted to withdraw his application before a vote is taken. He explained that if the application was withdrawn, he could, at any time, re-present the proposal. He explained that if a vote is taken and the result is a denial, the same application or a very similar one could not be resubmitted for a period of one year.

Mr. Chimento asked that the Board take a vote.

Chairman Soule called for a motion to approve a variance to Section 2.3 of the Zoning Ordinance to allow construction not in conformity with the regulations established for the district in which the property is located. The motion received the following vote: Ayes: Chairman Soule, Mel Disney and Victor Cohen. Nays: Anne Martin and Rick Bliss. The motion failed.

Chairman Soule called for a motion to approve a variance to Section 18.9.3 to allow the proposed building to encroach 7.5 feet into the required 10.5 foot side yard setback. The motion received the following vote: Ayes: Chairman Soule and Victor Cohen. Nays: Mel Disney, Anne Martin and Rick Bliss. The motion failed.

Mr. Chimento was advised that the variances were not granted.

The members were advised that the next meeting will take place Thursday, August 3<sup>rd</sup>.

Being no further business for the Board of Adjustment, this meeting adjourned at 7:30 p.m.

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Recording Secretary